

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

PAMPA COMMUNICATIONS CENTER, INC.
Stations KLB497 and KKB659
Pampa, Texas

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File No. EB-99-TS-031

NAL/Acct. No. X20EF0008

MEMORANDUM OPINION AND ORDER

Adopted: March 14, 2000

Released: March 15, 2000

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order ("Order"), we cancel the proposed monetary forfeiture in the amount of two thousand dollars (\$2,000) against Pampa Communications Center, Inc. ("Pampa") for willful violation of Section 1.949 of the Commission's Rules ("Rules").¹ The alleged violations involve late-filed license renewal applications.

2. On November 4, 1999, the Chief of the former Enforcement and Consumer Information Division of the Wireless Telecommunications Bureau ("WTB") issued the referenced Notice of Apparent Liability ("NAL") for a monetary forfeiture in the amount of two thousand dollars (\$2,000) to Pampa for the alleged violations.² Pampa filed a response to the NAL on December 6, 1999.

II. BACKGROUND

3. Pampa's authorizations for Stations KKB659 and KLB497 expired on April 1, 1999. Pampa initially filed applications for the renewal of those authorizations on April 7, 1999. On April 23, 1999, the Commission's staff returned those applications to Pampa as defective. Pampa refiled the applications on May 28, 1999, and the Commission's staff granted them on September 20, 1999.

4. On November 4, 1999, WTB, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"), and Sections 0.111, 0.311 and 1.80 of the Rules,³ issued the referenced NAL in

¹ 47 C.F.R. § 1.949.

² *Notice of Apparent Liability*, NAL Acct. No. 9X30EF0008 (Released November 5, 1999).

³ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311 and 1.80.

the amount of two thousand dollars (\$2,000) to Pampa for the late filing of its license renewal applications.

5. On December 6, 1999, the FCC received Pampa's response to the NAL. In that response, Pampa asserted, among other arguments, that it requested application forms from the Commission on March 24, 1999, but did not receive them until April 5, 1999, and then immediately completed the forms and filed them on April 7, 1999.

III. DISCUSSION

6. Section 1.949 of the Commission's Rules states, in pertinent part, that "[a]pplications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization for which renewal is sought" While we find that Pampa did technically violate Section 1.949 of the Rules by filing its renewal applications after the expiration of its licenses, the violations do not warrant a monetary forfeiture because Pampa was reasonably diligent, attempted to comply with the filing date and the initial filings were only six days late.⁴

7. As a result of our review of this matter, we conclude that Pampa has provided justification for cancelling the proposed monetary forfeiture. However, Pampa's late filing of its initial renewal applications and its failure to refile its applications until May 28, 1999, 35 days after the dismissal of its initial applications, does warrant an admonishment.

IV. ORDERING CLAUSES

8. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Sections 0.111, 0.311 and 1.80(f)(4)⁵ of the Rules, the forfeiture in the amount of \$2,000 proposed by the NAL **IS CANCELLED** but Pampa **IS ADMONISHED** that it must strictly comply with Section 1.949 of the Commission's Rules in the future.

9. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by certified mail, return receipt requested, to counsel for Pampa Communications, Inc., Timothy E. Welch, Esq., Hill & Welch, 1330 New Hampshire Avenue, N.W., Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁴ We will use April 7, 1999, the original filing date, to calculate the lateness of the filings rather than the refile date, May 28, 1999, which was used in the NAL.

⁵ 47 C.F.R. § 1.80(f)(4).